

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SCOTT TOELK a/k/a SCOTT DIDONATO,
RICHARD TOELK, VERONICA TOELK-
GARBARINO,

Plaintiffs,

-against-

PAUL MORRISSEY, ANDY WARHOL
FOUNDATION FOR THE VISUAL ARTS,
INC., IMAGE ENTERTAINMENT, INC.,
SCORE-SARX COMPANY,

Defendants.

CIVIL ACTION

NO. 2:09-CV-05630-JD

**DECLARATION OF AARON M. ZEISLER IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT**

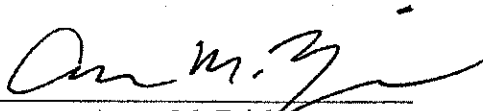
AARON M. ZEISLER, hereby declares under penalty of perjury:

1. I am a member of Satterlee Stephens Burke & Burke LLP, attorneys for defendants Paul Morrissey ("Morrissey") and Image Entertainment, Inc. ("Image") (collectively, the "Defendants"), as such, I have knowledge of, and am fully familiar with, the facts, proceedings, and documents stated below. I submit this declaration in support of Defendants' motion to dismiss the Amended Complaint pursuant to Rules 12(b)(3) and 12(b)(6) of the Federal Rules of Civil Procedure.

2. According to the records of the Social Security Administration, plaintiff Richard Toelk passed away in July, 1990. Attached hereto as Exhibit A is a true and correct copy of Mr. Toelk's date of death as listed on the SSA's death record index.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed: February 8, 2010



Aaron M. Zeisler

SSA DEATH RECORD

REDACTED

Information Current Through: 01-15-2010
Database Last Updated: 01-19-2010
Updated Frequency: WEEKLY
Current Date: 01/21/2010
Source: Social Security Administration Death Index

Name: RICHARD C TOELK
SSN:
State Where SSN Issued: NEW YORK
Date of Birth:
Date of Death: 07/21/1990
Age at Death: 40
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